

**WASHINGTON STATE HUMAN RIGHTS COMMISSION  
MEETING OF  
June 27, 2003**

**Oxford Suites  
Spokane, WA**

**MINUTES**

**PARTICIPANTS**

**Commissioners:** Charlotte Coker; Dallas Barnes; and J. Reiko Callner. A quorum was present.

**Staff:** Tanya Calahan, Commission Clerk; Dariush Khaleghi, Deputy Director; Reneé Knight, Administrative Services Manager; Sharon Ortiz and Jerry Lee, Operations Managers; Bruce Redding and Kim Love, Equal Opportunity Compliance Investigators; Mary Ann Brady, Office Assistant Senior; and Idolina Reta, Special Assistant to the Executive Director.

*(Audio tape one – side one)*

**OPENING**

The meeting was called to order at 9:00 a.m. by Commissioner Coker.

**APPROVAL OF  
MINUTES**

The Commissioners considered the minutes of the Special Commission meeting of June 3, 2003. Commissioner Callner made a motion to approve the minutes of the June 3, 2003 Special Commission meeting. Commissioner Barnes seconded the motion. MOTION CARRIED.

The Commissioners considered the minutes of the June 9, 2003 Special Commission meeting. Commissioner Callner made a motion to approve the minutes of June 9, 2003. Commissioner Barnes seconded the motion. MOTION CARRIED.

**STATUS  
REPORT OF  
FOLLOW UP ITEMS**

Commission Clerk Tanya Calahan reviewed the follow up items from the June 3, 2003 Commission meeting.

The Commissioners then discussed the administrative hearing process for reasonable cause findings process. Commissioner Callner suggested that the Commissioners revisit the process and discuss it in more detail at the September 2003 Commission meeting. Commission Clerk Tanya Calahan will provide background information to the Commissioners about the agency's administrative hearing process.

Commissioner Callner recommended that the Commissioners seriously look at how they conduct their monthly meetings. She suggested that the Commissioners

address what the goals of Commission meetings and that they address what the most cost effective ways are in achieving the goals of Commission meetings are. She will provide some proposals to better Commission meetings.

The Commissioners discussed the Kitsap Human Rights Network annual networking dinner. The networking dinner takes place the evening of July 15, 2003 in Poulsbo. She commented about the good work that this organization does in the Kistap area. She requested that the Commissioners attend this event if possible.

Commission Clerk Tanya Calahan commented about the Equity in Education Summit scheduled for August 7-8, 2003 in Olympia at St. Martin's College. Staff of the State Board of Education requested that the Commission participate in the event and follow up projects. Commissioner Callner suggested that the Commissioners who reside in the area attend. Commissioner Barnes expressed interest in attending the event. Deputy Director Dariush Khaleghi will register he and Commissioner Barnes for the summit.

#### **APPROVAL OF CASE CLOSURES**

Commissioner Callner noted that the investigator's signature is missing on the finding for Karman v. Professional Services, Inc. She requested that the investigator sign the finding.

Commissioner Callner asked about Hanby v. Allvest, Inc., which has a no reasonable cause recommendation. She requested that a letter of concern go to Respondent regarding the work environment and encourage Respondent to consistently follow its sexual harassment policy. She requested that staff draft a letter on behalf of the Commissioners.

The Commissioners discussed notices that go out to parties when investigations are completed. They suggested adding more detailed information to the letters to explain the action and complainant and respondent obligations under settlement agreements. Commission Clerk Tanya Calahan will provide copies of the current letters and suggestions for changes to the Commissioners.

Commissioner Callner then made a motion to approve the case list for the period of May 24-June 20, 2003 with the understanding the investigator will sign Karman v. Professional Services, Inc. and with the exception of Osbourne v. NW Jet Boat and Knabe v. Western Materials. Commissioner Barnes seconded the motion. MOTION CARRIED.

Operations Manager Sharon Ortiz will provide information regarding the Osbourne and Knabe cases later in the meeting.

*(Audio tape one – side two)*

#### **AGENCY UPDATE**

Deputy Director Dariush Khaleghi reported on monthly agency performance. He spoke about new charges received, case closures, and pending case inventory. He

highlighted his Powerpoint presentation.

He spoke about the goal to complete investigations in less than six months (180 days). Staff continues to work on decreasing the aging cases inventory.

The Commissioners and staff discussed case production. Commissioner Callner commented about the inconsistency in case production and the significant spikes between July 2002 and September 2002. She asked what the discussion with staff is regarding this. Mr. Khaleghi commented that the discussion with staff is to focus on completing cases within 180 days. Operations Manager Jerry Lee commented about the changes among management to be consistent in setting priorities. He shared that the Operations Managers constantly brainstorm on ideas to improve.

There was discussion about utilizing the different strengths of investigators to improve case processing efforts.

Administrative Services Manager Reneé Knight highlighted the agency's most recent financial report. She provided copies to the Commissioners.

Ms. Knight reported that the agency currently does not have the funds to fill the investigator position in the Yakima District Office. Other vacant positions cannot be filled.

She highlighted information regarding the budget allocation, and the current 43.6 full time equivalents currently supported (43.6) by the budget. She spoke about staff's efforts to cut operating costs.

*(Audio tape two – side one)*

Deputy Director Dariush Khaleghi spoke about promotional opportunities within the agency. He asked whether proposals for position reallocations should be brought before the Commission. Commissioner Callner commented that the Commissioners should be kept fully advised of changes about most positions in the agency. But the Commissioners would provide specific input about positions that affect them directly such as the Clerk of the Commission position. Commissioner Barnes requested that management provide the Commissioners information about the process when such changes are proposed.

Ms. Knight continued her presentation and explained the agency's various revolving fund accounts and categories of goods and services.

There was discussion about the Office of Minority and Women's Business Enterprises (OMWBE). That agency will stay intact and its functions will not be transferred to the Commission and other agencies. The Commission pays \$185 per biennium to OMWBE from a revolving fund account.

Special Assistant to the Executive Director Idolina Reta participated in the meeting by telephone to speak about customer complaints. Her name has been added to the agency's web site as the customer service contact. She highlighted recent customer complaints and steps by management to follow up to those concerns. Some consumers have made comments about investigator conduct. There was discussion about the need to also follow up on verbal complaints, including those received directly by the Clerk of the Commission.

#### **CASE CLOSURES CONT.,**

Operations Manager Sharon Ortiz was present to respond about Commissioner Callner's concerns regarding the investigative findings for Osborn v. NW Jet Boat and Knabe v. Western Materials. Commissioner Callner requested that staff clarify the Knabe finding to address whether complainant's injuries were due to complainant's negligence. She requested that staff clarify finding of fact number eight in the Osborn finding to address whether or not similarly situated employees were treated the same as complainant.

The revised findings will be included on the July 25, 2003 Commission meeting agenda.

*(Audio tape two – side two)*

#### **RECONSIDERATIONS**

##### **Motion to Deny**

**Katina McQuilkin v. American Behavioral Health Systems (32EDS-0188-02-3)**  
Complainant participated in person. Respondent did not participate. Operations Manager Jerry Lee provided a summary of the case and responded to Commissioner questions. Complainant alleged disability (pregnancy complications) and sex discrimination (pregnancy). A no reasonable cause finding was issued.

Complainant claimed in her petition that she was not accommodated, that she provided a doctor's note to respondent, and her situation was inappropriately compared to that of a male employee's. Evidence reflects that complainant did not request an accommodation for her disability. Further complainant's petition does not include relevant information that would reverse the administrative finding of no reasonable cause. Commissioner Callner made a motion to deny complainant's petition. Commissioner Barnes seconded the motion. MOTION CARRIED.

*(Audio tape three – side one)*

#### **EXECUTIVE DIRECTOR SEARCH**

Commissioner Barnes highlighted the draft Executive Director job announcement. The announcement includes input from agency staff and stakeholders about the qualities of a good executive director. He asked for Commissioner comments about the draft job announcement.

The Commissioners next discussed the process for recruiting an Executive Director. Executive Search Services (ESS), through the WA State Department of Personnel charges fifteen percent (15%) of the top salary for the position. Therefore, that cost

could be \$15,000 for the agency if ESS were used. There was discussion about ways to recoup that cost by not filling the Executive Director position with an acting executive director.

The Commissioners discussed the role of an Acting Executive Director. Commissioner Callner then made a motion to designate current Deputy Director Dariush Khaleghi as the Acting Executive Director. Commissioner Barnes seconded the motion. Commissioner Coker called for discussion.

Commissioner Barnes expressed concern that all Commissioners are not present. He requested that all Commissioners have the opportunity to participate in the decision to appoint an Acting Executive Director. He recommended that the Commissioners vote at their Special Commission Meeting on July 15-16, 2003.

After discussion, Commissioner Callner made a motion to postpone the decision to appoint an Acting Executive Director until the next meeting on July 15-16, 2003 and that the Commission place the item on the agenda. Commissioner Barnes seconded the motion. MOTION CARRIED.

Commissioner Callner offered to assist Commissioner Barnes with putting together ideas for a nationwide search instead of using Executive Search Services. She spoke about various web sites that could be used.

## **2003 COMMISSION MEETING SCHEDULE**

Commissioner Callner spoke about more effective Commission meetings. She proposed that the Commissioners carefully choose meeting locations. She suggested a possibility to do public outreach every other month. The other months' meetings can be done in Sea Tac and can be day trips.

Commissioner Coker suggested that the Commission come up with a plan before they vote to change the meeting structure.

Commissioner Callner will draft a schedule for the first six months of 2004 and suggest ideas of what activities the Commissioners can do during the first six months of the year. The Commissioners will then discuss it at the September 2003 Commission meeting.

The Commissioners reviewed the agency reorganization time line and copies of staff grievances provided by Executive Assistant Jean Ciallella. They discussed grievances filed against the Deputy Director and what the next step should be in the grievance process since there currently is no Executive Director. Commissioner Barnes then proposed that one of the Commissioners seek advice from the Attorney General's office about this issue. Commissioner Callner will consult with the Attorney General's office on a proposed plan of action, dealing with complaints against the Executive Director and the Executive Director step in the grievance process.

Commissioner Callner expressed concern about the recent correspondence protocol prepared by Commissioner Vasquez. She stated that documents marked confidential to the Commissioners could contain a public records request, which require a prompt response under the law. If staff didn't open such correspondence, there could be delay and legal liability.

Commissioner Callner will write down her concerns regarding the correspondence protocol and submit them to Commission Chair Pro Tem Coker.

The Commissioners then discussed the Commission Clerk job description and the Clerk's role, responsibilities, and reporting structure. The Commissioners agreed that Commission Clerk Tanya Calahan will revise the Clerk job description and submit a revised one to the Commissioners for review at the next regular meeting.

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 2:53 p.m.

Respectfully submitted,

Tanya Y. Calahan  
Commission Clerk